



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No.

ANDREA Q. RYAN  
SANOFI-AVENTIS U.S. LLC  
1041 ROUTE 202-206  
MAIL CODE: D303A  
BRIDGEWATER NJ 08807

**COPY MAILED**

SEP 02 2008

**OFFICE OF PETITIONS**

In re Application of :  
Borcherding et al. :  
Application No. 10/677,683 : LETTER REGARDING  
Filed: October 2, 2003 : PATENT TERM ADJUSTMENT  
Atty Docket No. USA3960 US CNT:  
: :

This is in response to the "Letter of Good Faith and Candor Regarding Patent Term Under § 37 C.F.R. § 1.705," filed June 26, 2008. Pursuant to their duty of candor and good faith to the Office, applicants disclose that the initial determination of patent term adjustment at the time of the mailing of the notice of allowance should be corrected from ninety-seven (97) days to forty-two (42) days.

The request for review of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is forty-two (**42**) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On April 24, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 97 days. Applicants disclose that a Request for Continued Examination, Petition for Two-Month Extension of Time and Amendment were filed on October 19, 2007, in response to the final Office action mailed May 25, 2007. As a result,

applicants disclose that a period of reduction of 55 days should have been entered.

Applicants state that any patent granted on this application is not subject to a terminal disclaimer.

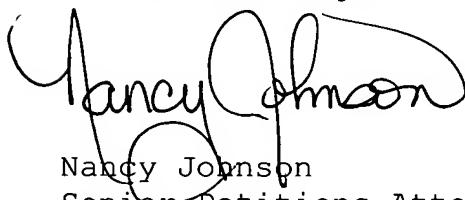
A review of the record confirms that in response to the final Office action mailed May 25, 2007, applicants did not file a response in compliance with §1.113(c) until October 19, 2007, three months and 55 days later. As such, a period of reduction of 55 days is being entered pursuant to 37 C.F.R. §1.704(b).

In view thereof, the correct initial determination of the patent term adjustment at the time of the mailing of the notice of allowance is forty-two (42) days.

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks Applicants for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded and the period is not consumed by the request for continued examination).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Wednesday

Date: 8/20/2008  
Time: 10:01:35**PALM INTRANET****PTA Calculations for Application: 10/677683**

Application Filing Date:	10/02/2003	PTO Delay (PTO):	319
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	222
Post-Issue Petitions:	0	Total PTA (days):	42
PTO Delay Adjustment:	-55		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
95	08/20/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		55	
85	04/24/2008	MAIL NOTICE OF ALLOWANCE			
84	04/22/2008	ISSUE REVISION COMPLETED			
83	04/22/2008	DOCUMENT VERIFICATION			
82	04/22/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
81	04/22/2008	CASE DOCKETED TO EXAMINER IN GAU			
80	04/21/2008	NOTICE OF ALLOWABILITY			
75	04/14/2008	PARALEGAL TD ACCEPTED			
74	04/11/2008	DATE FORWARDED TO EXAMINER			
73	04/04/2008	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
72	04/04/2008	NOTICE OF APPEAL FILED	29	65	
71	04/04/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
70	03/29/2008	EMAIL NOTIFICATION			
69	03/25/2008	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
68	03/17/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
67	12/07/2007	ELECTRONIC REVIEW			
66	12/06/2007	EMAIL NOTIFICATION			
65	12/06/2007	MAIL FINAL REJECTION (PTOL - 326)			
64	12/03/2007	FINAL REJECTION			
63	11/02/2007	DATE FORWARDED TO EXAMINER			
62	10/19/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
61	11/02/2007	DATE FORWARDED TO EXAMINER			

60	10/19/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
59	11/02/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
58	10/19/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
57	10/19/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
56	05/30/2007	ELECTRONIC REVIEW			
55	05/26/2007	EMAIL NOTIFICATION			
54	05/25/2007	MAIL FINAL REJECTION (PTOL - 326)			
53	05/22/2007	FINAL REJECTION			
52	04/23/2007	DATE FORWARDED TO EXAMINER			
51	04/20/2007	RESPONSE AFTER NON-FINAL ACTION		58	49
50	04/20/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
49	11/21/2006	MAIL NON-FINAL REJECTION			
48	11/08/2006	NON-FINAL REJECTION			
47	09/29/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
46	10/06/2006	DATE FORWARDED TO EXAMINER			
45	09/29/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
44	10/06/2006	DATE FORWARDED TO EXAMINER			
43	09/29/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)		91	34
42	10/06/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
41	09/29/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
40.7	09/29/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
40	09/29/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	08/10/2006	MAIL ADVISORY ACTION (PTOL - 303)			
38	08/07/2006	ADVISORY ACTION (PTOL-303)			
37	08/01/2006	DATE FORWARDED TO EXAMINER			
36	07/28/2006	AMENDMENT AFTER FINAL REJECTION			
35	07/28/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
34	03/30/2006	MAIL FINAL REJECTION (PTOL - 326)			

33	03/27/2006	FINAL REJECTION			
32	03/02/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
31	03/02/2006	REFERENCE CAPTURE ON IDS			
30.7	03/02/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED	14	28	
30	03/02/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
29	02/23/2006	DATE FORWARDED TO EXAMINER			
28	02/16/2006	RESPONSE AFTER NON-FINAL ACTION	30	26	
27	02/16/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
26	10/17/2005	MAIL NON-FINAL REJECTION	319		-1
25	10/13/2005	NON-FINAL REJECTION			
24	09/15/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
23	09/15/2004	CASE DOCKETED TO EXAMINER IN GAU			
22	10/02/2003	PRELIMINARY AMENDMENT			
21	08/11/2004	APPLICATION RETURN FROM OIPE			
20	08/11/2004	APPLICATION RETURN TO OIPE			
19	08/11/2004	APPLICATION RETURN FROM OIPE			
18	08/11/2004	APPLICATION RETURN TO OIPE			
17	08/11/2004	APPLICATION RETURN FROM OIPE			
16	08/11/2004	APPLICATION IS NOW COMPLETE			
15	08/11/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
14	08/11/2004	APPLICATION RETURN TO OIPE			
13	08/11/2004	APPLICATION RETURN FROM OIPE			
12	08/11/2004	APPLICATION IS NOW COMPLETE			
11	08/11/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
10	08/11/2004	APPLICATION RETURN TO OIPE			
9	08/11/2004	APPLICATION DISPATCHED FROM OIPE			
8	08/11/2004	APPLICATION IS NOW COMPLETE			
7	12/29/2003	CLEARED BY L&R (LARS)			
6	12/17/2003	CASE CLASSIFIED BY OIPE			
5	12/17/2003	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
4	12/16/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
3	10/15/2003	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	10/02/2003	CRF DISK HAS BEEN RECEIVED BY PREEEXAM /			

		GROUP / PCT						
1	10/02/2003	INITIAL EXAM TEAM NN						

Search Another: Application#

### **EXPLANATION OF PTA CALCULATION**

### **EXPLANATION OF PTE CALCULATION**

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | Home page